

**RESULTS OF INVESTIGATION:** The tablets in the bottles and the seed in the packages had been shipped in bulk and thereafter repackaged and relabeled by the consignee. A copy of the above-mentioned booklet, opened to the pages on which the subject headed "Alfalfa" was bracketed in red pencil, was on display in the consignee's store window, along with a number of bottles of the *alfalfa tablets* and packages of the *alfalfa seed*.

**LIBELED:** 8-17-54, Dist. Minn.

**CHARGE:** 502 (a)—the accompanying labeling of the articles while held for sale contained false and misleading representations that the articles were effective in the treatment of diabetes, tuberculosis, rheumatism, Bright's disease, toxemia, jaundice, neuralgia, insomnia, nervousness, syphilis, constipation, lumbago, hardening of the arteries, dropsy, prostatitis, anemia, skin eruptions, poor complexion, inflammation of the bladder, colds, fevers, and gonorrhea; and that they were effective to build blood, to build teeth and bones, to stimulate kidneys, to aid peristalsis of the bowels, to increase appetite, to strengthen digestive glands, to increase assimilation of foods, and to increase body weight; and 502 (f) (1)—the labelings of the articles failed to bear adequate directions for use.

**DISPOSITION:** 1-10-55. Consent—claimed by Cayol Food Center Co. and relabeled.

**4769. Vaginal suppositories and vaginal tablets.** (F. D. C. No. 37697. S. Nos. 10-303/4 M.)

**QUANTITY:** 23 boxes of *vaginal suppositories* and 232 boxes of *vaginal tablets* at St. Paul, Minn.

**SHIPPED:** (232-box lot) 2-26-54, from Chicago, Ill., by Savoy Drug & Chemical Co.; (23-box lot) 12-22-54, from Cedar Rapids, Iowa, by Paul Maney Laboratories.

**LABEL IN PART:** (Box) "Warner Renowned Vaginal Suppositories \* \* \* 15 Cones \* \* \* Contains: Oxyquinolin Benzoate, Boric Acid, Salicylic Acid, Lactic Acid, U. S. P. Coco Butter, White Wax \* \* \* Prepared for Warner Renowned Medicine Co. Minneapolis, Minnesota" and "Warner Renowned Vaginal-Tablets Contains Oxyquinolin Sulphate, Lactic Acid, Boric Acid 15 Tablets \* \* \* Prepared For Warner Renowned Medicine Co. Minneapolis, Minn."

**LIBELED:** 3-8-55, Dist. Minn.

**CHARGE:** 502 (a)—The statement on the box labels of the articles, when shipped, namely, "When desired for soothing action in minor vaginal irritation," was false and misleading since it represented and suggested that the articles were effective for self-treatment of pathological conditions of the vagina, and the articles were not effective for such purposes; and 502 (f) (1)—the labelings of the articles failed to bear adequate directions for use in the self-treatment of pathological conditions of the vagina, which was the purpose for which the articles were intended.

**DISPOSITION:** 5-10-55. Default—destruction.

**4770. Atomotrone (or Vital-Tone) device.** (F. D. C. Nos. 36884, 36885, 36886. S. Nos. 44-037 L, 44-056 L, 44-060 L.)

**QUANTITY:** 3 devices at Tulsa, Okla., in possession of B. R. Clements, Mrs. Melba Ferlin, and Mr. and Mrs. Robert F. Layman.

**SHIPPED:** Between 3-2-53 and 7-6-53, from Dallas, Tex., by Nick M. Faulkner.

**ACCOMPANYING LABELING:** The device in possession of B. R. Clements was accompanied by booklets entitled "Nature's Way of Health With The Vital-Tone Unit In Your Home" and "Suggested Instructions On Using Irradiated Water And Food."

**RESULTS OF INVESTIGATION:** The device consisted of a compartmented box containing an electrically operated "sun lamp" which was situated so that light emitted by the lamp might fall upon jugs of water placed in the box with several sheets of colored glass interposed between the lamp and the jugs. Water irradiated through blue- and purple-colored glass was designated "electric" or "E," and water irradiated through red- and amber-colored glass was designated "thermal" or "T."

The "electric" water, the "thermal" water, and a combination of the two were intended to be used in the cure, mitigation, and treatment of a great variety of diseases of man.

**LIBELED:** 7-26-54, N. Dist. Okla.

**CHARGE:** 502 (a)—when shipped, the labeling of the device in the possession of B. R. Clements contained false and misleading representations that the device was capable of providing an adequate and effective treatment for hemorrhoids, pain, inflammation, burns, cuts, sinus troubles, hay fever, colds, varicose veins, high blood pressure, infections, arthritis, asthma, ulcerated conditions, diseased tonsils, virus infection, infection of the bladder, colon, kidney, and blood, skin rash, heart conditions, low blood pressure, low glandular activity, constipation, cancer, and for providing vital energy in one's water and food; and 502 (f) (1)—the labeling of the remaining two devices, when shipped and while held for sale, failed to bear adequate directions for use, and they were not entitled to any exemption from that requirement.

**DISPOSITION:** B. R. Clements, Mr. and Mrs. Robert F. Layman, and Mrs. Melba Ferlin, claimants, filed answers denying that the products were misbranded as alleged.

The case came on for trial before the court on 10-15-54, at which time the claimants announced that they did not wish to proceed with the trial and were withdrawing their answers. The court thereupon entered a decree condemning the devices and ordering them delivered to the Food and Drug Administration.

#### **DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH**

**4771. Ergot of rye.** (F. D. C. No. 37627. S. No. 11-883 M.)

**QUANTITY:** 80 112-lb. bags at Brooklyn, N. Y.

**SHIPPED:** 6-10-54, from Poland.

**LIBELED:** 2-2-55, E. Dist. N. Y.

**CHARGE:** 501 (a) (1)—contained insects while held for sale.

**DISPOSITION:** 3-18-55. Consent—claimed by Arnida Products Corp., New York, N. Y. Segregated, 257 lbs. destroyed.

**4772. Rosebuds.** (F. D. C. No. 37381. S. No. 12-401 M.)

**QUANTITY:** 231 lbs. in 5 drums and 11 49-lb. bags at New York, N. Y.

**SHIPPED:** 9-21-53, from North Bergen, N. J.

**LIBELED:** 12-1-54, S. Dist. N. Y.

**CHARGE:** 501 (a) (1)—contained insects while held for sale.